

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

June 20, 2018

MINUTES

DIVISION STAFF PRESENT:

Mark Fagergren, Acting Division Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Chad Tengler, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Judith Jensen, Assistant Attorney General
Amber Nielsen, Board Secretary
Van Kagie, Investigator
Mark Schaerrer, Investigator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Teresa Larsen, Investigator

COMMISSION MEMBERS PRESENT:

Lori Chapman, Chair
Cal Musselman, Vice Chair
Lerron Little, Commissioner
Russell K. Booth, Commissioner

Bruce Dibb, Administrative Law Judge

GUESTS:

Tammy Lund	Shane Morris
Heather Swanger	Dan Naylor
Kevin Swenson	Nancy Krippner
G Adam Martin	Tyler Turner
Perry Bolyard	John Bickmore
Luisa Gough	Tammie Pierce
Robert Woolsey	

The June 20, 2018 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Chapman conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from the May 30, 2018 meeting of the Commission as written. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes. The motion was approved.

PUBLIC COMMENT

No public comment was made.

DIVISION REPORTS

DIRECTOR'S REPORT – Mark Fagergren

Mr. Fagergren reported Director Stewart will be out of the office until July 5th.

Mr. Fagergren thanked Commissioner William Perry for his service on the Commission. Mr. Fagergren announced there will be a new Commissioner at the meeting next month.

Mr. Fagergren mentioned there is no urgency on the RAP Back Fingerprinting decision.

Mr. Fagergren announced there will be a meeting with Pearson VUE next week to review the test questions.

Mr. Fagergren reported in the ARELLO Boundaries Newsletter that Nebraska has enacted a new criminal disqualification process. Applicants in Nebraska may submit a preliminary application for written determination on their background qualifications before taking education or testing. Utah only allows applicant history to be reviewed once the application has been submitted, after taking the education and passing the test. There was some discussion on the Utah procedure.

Also in the ARELLO Boundaries Newsletter, it was reported that North Carolina issued guidelines to their licensees to help fight the opioid crisis, including education on protecting prescription drugs during showings.

The ARELLO Boundaries Newsletter also announced the CFPB fixed a compliance "black hole" in its TRID mortgage disclosure rules.

The ARELLO Boundaries Newsletter reported Alabama has codified FHA assistance animal inquiries with regards to service animals. This also penalizes misrepresentations of service animals.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported month of May the Division received 24 complaints; opened 3 cases; closed 2 cases; leaving 364 open cases. There are 17 cases assigned to the

AG's office.

Stipulations for Review

Nathan Affleck

Rafael Mendez

Ms. Wright also announced there will be a hearing at 10:00 a.m.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported Allen McNeil is no longer with the Division and has gone to work in the private sector. The Division has hired Chad Tengler as the new analyst.

COMMISSION AND INDUSTRY ISSUES

Mr. Fagergren turned time over to Tammy Lund for a discussion on the administrative rules regarding Real Estate Schools. Ms. Lund presented some possible draft language. The Commission proposed that a committee be formed to look at the rules and to see what language should be presented for consideration.

Vice Chair Musselman asked the Division to send information to the Commission on the RAP Back fingerprinting options.

Mr. Barney reported the rule changes which were approved by the Commission for filing were filed for public comment. The Public Comment period is now open through August 13th.

Mr. Barney presented some letters regarding an applicant for the Commission to consider.

A brief recess was held from 9:59 a.m. until 10:06 a.m.

The meeting resumed at 10:06 a.m. for the Formal Adjudicative proceeding for Stephen Milligan with Judge Dibb presiding. Mr. Milligan did not appear before the Commission. Judge Dibb found Mr. Milligan in default. The Commission will enter a default on all four counts alleged in the verified petition.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 10:12 a.m. to 10:45 a.m.

OPEN TO PUBLIC

Results of Executive Session

Nathan Affleck – Approved with Division Concurrence

Rafael Mendez – Approved with Division Concurrence

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion was approved. The meeting adjourned at 10:45 a.m.